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SDMS Document



109083

Michael P. Last
Counsel
(617) 951-1192

E-mail: mpl@rackemann.com

October 10, 2002

Muthu Sundram, Esquire
Assistant Regional Counsel
United States Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

RECEIVED
OCT 15 2002

Re: Cornell-Dubilier Electronics Superfund Site
(Hamilton Industrial Park), South Plainfield, New Jersey

Dear Muthu:

We have just received information from Pete Mannino, as conveyed through Mark Nielsen of Environ, that EPA is apparently considering unilaterally changing the terms of our ongoing collaboration with respect to the Remedial Investigation/Feasibility Study ("RI/FS") for the Hamilton Industrial Park Site. This is directly contrary to the assurance which you provided Michael Last over the telephone this past week to the effect that the reason that we are not being provided with the final draft of the RI Report has to do with the timing for its release, as well as the fact that we have already been involved at various stages in its development. In response to Michael's inquiry, you then went on to state that there was not going to be any ongoing change in the collaborative approach between the parties, and that EPA would continue to work closely with us so as to assure that the redevelopment of the Hamilton Industrial Park Site could be successfully coordinated with and integrated into both the RI/FS and Remedial Action processes. As we have discussed repeatedly in the past, such a cooperative approach is essential if EPA's clearly articulated emphasis upon successful redevelopment and reuse of Superfund sites is to be successfully translated into action in South Plainfield.

Given the information recently conveyed by Pete Mannino, we believe that it is important to review the understandings upon which we have been acting over the past one and one-half years and which form the basis for the information and assurances which both we and EPA have provided to the Borough of South Plainfield. To briefly recapitulate the relevant history of this matter, you undoubtedly recall that, starting in March, 2001, we discussed with EPA the details of a cooperative approach designed to assure that the ongoing RI/FS work appropriately integrated the redevelopment planning for the Hamilton Industrial Park Site. Since EPA was not

October 11, 2002

Page 2

prepared to allow Cornell Dubilier Electronics, Inc. ("CDE") and Dana Corporation ("Dana") to take over the RI/FS, so that it could be expeditiously completed with a view to accommodating redevelopment, we agreed that we would instead undertake a collaborative "working group" process during the Feasibility Study. It was felt that this collaborative approach would expedite the FS, while, at the same time, efficiently incorporate the information relating to Site redevelopment. Certainly, such collaboration would avoid wasteful duplication of effort should EPA produce its FS deliverables without careful consideration of the redevelopment plan and associated Site requirements and then need to revise these deliverables based on subsequent input.

At the same time that we reached this understanding regarding the FS working group process, we also agreed that CDE and Dana would conduct the Cultural Resources Assessment in an effort to help EPA further expedite the RI/FS process. At your request, we adapted EPA's form of RI/FS Administrative Order on Consent ("ACO") so that it would be applicable to the Cultural Resources Assessment. A copy of this draft ACO was provided to you in the Summer of 2001. Months passed before we next heard from EPA during a conference call held on October 31, 2001. At that time, you, John Prince and Pete Mannino raised with us several issues associated with the draft ACO, and we agreed to a mutually satisfactory resolution of them. We also agreed that we could proceed to memorialize our cooperative working relationship with EPA in a separate memorandum or letter of understanding.

Based on this October 31, 2001 call, we promptly forwarded to you a revised draft of the ACO, together with a proposed written confirmation of understanding with respect to the working group process for the RI/FS. As you know, since that time (Fall of 2001) we have had multiple telephone conversations during which we inquired as to the status of your review and finalization of the ACO so that we could commence the Cultural Resources Assessment. We also discussed the format for confirming our understandings with respect to the FS working group process. In this regard, you indicated to me in late 2001 that the memorandum of understanding format was not considered appropriate and that we should instead do a simple letter confirming our FS working group understandings. As a consequence, in December, 2001, I forwarded to you such a letter.

Since Spring of 2001, Pete Mannino of EPA has provided data collected during the RI to Mark Nielsen of Environ and has had several discussions with him regarding this data and the draft risk assessment, activities which were consistent with and evidenced EPA's agreement to the collaborative approach. However, no documentation, either in the form of an ACO or a confirmation of our understanding has been forthcoming from EPA even though over one year has now passed. I have called you on many occasions, and you have explained each time that the wording of the documents is still being reviewed at the program level, but that I should not worry since our basic understandings regarding the FS are in place, and we should continue to proceed forward to implement them. Even more distressing has been the fact that, due to reasons which are not apparent to us, the entire RI/FS process is now approximately one year behind schedule.

October 11, 2002

Page 3

In the meantime, I have kept you informed of the redevelopment planning process with respect to the Hamilton Industrial Park Site that the Borough of South Plainfield has been diligently pursuing. This has included the creation of a Redevelopment Plan for the Site, which involved multiple public hearings conducted by both the South Plainfield Planning Board and the Borough Council. This process culminated on July 15, 2002, with the unanimous approval by the Borough Council of Ordinance # 1597 which adopted "Redevelopment Plan for the Designated Redevelopment Area in the Vicinity of the Hamilton Boulevard Industrial Site". As part of this redevelopment planning process, the Borough Council held several informational meetings, at least two of which were attended by Pete Mannino. During these meetings, we publicly reiterated the cooperative approach which we were pursuing with EPA, and Pete Mannino confirmed to the Borough Council on two separate occasions that such a collaborative effort was in fact being implemented. Pete Mannino also confirmed that EPA was viewing the Hamilton Industrial Park Site as part of a redevelopment initiative and would be expediting its RI/FS work accordingly. *The Borough Council has relied in good faith upon these assurances by EPA, as well as the information which we have provided to them (at meetings attended by Pete Mannino) regarding our collaborative working relationship with the Agency.*

Since the Redevelopment Plan has been adopted, two credible, experienced developers have expressed their interest in being designated as redevelopers for the Hamilton Industrial Park Site. By letters dated August 7, 2002 and September 10, 2002, we informed you of this interest and reiterated the need to expedite the RI/FS process on a collaborative basis. I am enclosing copies of these letters for your convenience of reference.

With this as the backdrop, you can well understand why we were stunned to learn that EPA is now proposing to pursue the cumbersome approach of generating key FS deliverables, without the benefit of either working group or other ongoing collaborative input by either us or the community, and then will conduct "separate" public meetings to discuss these deliverables with us and the community. This is certainly not the ongoing, interactive process which had been contemplated and previously implemented. Rather, what is likely to happen is that EPA will produce FS deliverables which are not adequately tailored to Site redevelopment, and there will then be comments and questions offered by both us and the community which will require additional time to evaluate and incorporate into revised deliverables. This is not an expedited, cooperative process designed to avoid the traditional time delays associated with Superfund and to move into a new era of effectively responding to community desires to see Superfund Sites beneficially redeveloped and reused. Indeed, since the RI/FS has been delayed by approximately one year, valuable time has already been lost. Given the overall uncertainty in the economic climate, we simply cannot afford to further delay to the redevelopment process.

Instructive in this regard is the case I have cited to you involving the Raymark Superfund Site in Stratford, Connecticut. While this is not in Region 2, it is physically close to Region 2, and involved an EPA RI/FS and RD/RA lead Site. At this Site, within the time frame of

October 11, 2002

Page 4

approximately two years, EPA finalized its RI/FS and implemented a Remedial Action which fully integrated site reuse considerations. This integration included incorporating into the remedy the construction of on-grade slabs and clean corridors for utilities, as well as the development of specifications which assured that redevelopment activities would not interfere with the integrity of the remedy. In so doing, EPA worked closely with interested redevelopers and the community. As a result, within an extraordinarily short span of time in Superfund terms, the Raymark Site was redeveloped and is currently being used by Wal-Mart, Home Depot and Shaws Supermarket. It is justifiably held out as a significant Superfund Site reuse success story.

There is absolutely no reason that the Hamilton Industrial Park Site cannot be a similar success story, particularly since at the Raymark Site the principal PRP was in bankruptcy (thereby significantly complicating matters), whereas here CDE and Dana are willing and able to work collaboratively with EPA. However, for such a cooperative effort to work, there must be a "two way street"; and unless the information which was recently provided by Pete Mannino is seriously in error, it appears that EPA is no longer willing to work in the cooperative mode which had been agreed upon and described to the South Plainfield community.

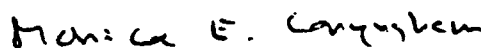
Given this circumstance, it is absolutely essential that we have a meeting to resolve what we hope is a confusion, and we believe that this meeting should be held in South Plainfield and involve the elected representatives of the Borough. If we succumb to Superfund "business as usual", the Hamilton Industrial Park Site will lie fallow and blighted for many years to come. This is not an acceptable outcome, and we must work together to make sure that it does not happen.

We look forward to hearing from you with respect to dates in the month of October that senior officials from EPA can participate in such a meeting in South Plainfield.

Yours sincerely,



Michael P. Last



Monica E. Conyngham

cc: Mayor Daniel J. Gallagher, Borough of South Plainfield
James Vokral, President, South Plainfield Borough Council
Patrick Diegnan, Esquire, South Plainfield Borough Attorney

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September 10, 2002

VIA OVERNIGHT MAIL

Muthu Sundram, Esquire
Assistant Regional Counsel
United States Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

Re: Hamilton Industrial Park Site,
South Plainfield, New Jersey

Dear Muthu:

I am enclosing for your reference and that of the program personnel at EPA a copy of an additional Statement of Interest from a redeveloper which has been received in connection with the Hamilton Industrial Park Site. This Statement of Interest was submitted to the Mayor of South Plainfield by Denholtz Associates, which is a large commercial/industrial developer that owns and manages over 8.2 million square feet of property located in nine states. New Jersey is Denholtz's center of operations, and they have had extensive experience with the redevelopment of environmentally contaminated properties.

This Statement of Interest, in combination with that of AST Development Corporation which I have previously forwarded to you, makes it clear that there is significant interest by established developers in the redevelopment of the Hamilton Industrial Park Site. This is all the more reason for us to proceed expeditiously and on a cooperative basis to coordinate effectively the RI/FS work and the ensuing site remediation with the redevelopment planning for the Site.

Yours sincerely,



Michael P. Last

Enclosure

cc: Monica E. Conyngham, Esquire
Lisa A. Wurster, Esquire

10.00 105

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September 6, 2002

Via Telecopier and Regular Mail

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Monica E. Conyngham, Esq.
Foley, Hoag & Eliot, LLP
155 Seaport Boulevard
Boston, MA 02210-2600


Re: Letter of Interest
Redevelopment Plan: Hamilton Boulevard Industrial Site
Borough of South Plainfield,
Middlesex County, New Jersey
Our client: Denholtz Associates

Dear Mr. Last and Ms. Conyngham:

Here is a copy of the letter that we forwarded to Mayc Gallagher expressing our client's interest in the redevelopment of the Hamilton Boulevard Industrial Site.

Please advise me if you intend on forwarding our letter to EPA

Regards,



Lawrence F. Jacobs
LFJ:dja
Enclosure
cc: Denholtz Associates

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September 3, 2002

Via Federal Express

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The Honorable Mayor Daniel J. Gallagher
Borough of South Plainfield
Borough Hall
2480 Plainfield Avenue
South Plainfield, New Jersey 07801

Re: Letter of Interest for Redevelopment
Redevelopment Plan: Hamilton Boulevard Industrial Site
Borough of South Plainfield,
Middlesex County, New Jersey

Our Client: Denholtz Associates

SUSAN C. KARP
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VALERIE STEINER

Dear Mayor Gallagher:

We are pleased to submit this letter of interest to introduce our client, Denholtz Associates ("Denholtz"), for your consideration as Redeveloper for the referenced project. We offer our congratulations and those of our client to you and the Borough Council on the adoption of the Redevelopment Plan.

As set forth below, the Hamilton Boulevard Industrial Site Redevelopment Project falls squarely within Denholtz' expertise as a developer of environmentally complicated property. We trust you will find Denholtz uniquely qualified to address the difficulties faced by the Hamilton Boulevard Industrial Site and to deliver the Borough a completed project consistent with the mixed-use plans for the site.

Over Denholtz's 40-year history, they have been involved in a wide variety of development projects and have successfully developed several millions of square feet of office, retail, warehousing, industrial and residential space. Denholtz currently owns and manages over 8.2 million square feet situated in nine states. Denholtz remains committed to further strengthening its position within its core market of central New Jersey.

Through its experience and team-work, Denholtz has refined the skills necessary to coordinate a full-scale redevelopment

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The Honorable Mayor Daniel J. Gallagher
September 3, 2002

-2-

project just as is envisioned for the Hamilton Boulevard Industrial Site.

Experience in South Plainfield

As you probably know, Denholtz has a longstanding history of successful projects in the Borough of South Plainfield. These projects include:

- Development, construction (1984-1991) and property management of Oak Tree Business Center. This six-building campus of retail and flexible space (suitable for light industrial, research and development, warehousing and distribution, computer/technology or offices) features a total of 143,000 square feet of space.
- Construction of the Cosmed site on South Clinton Avenue. This 60,000 square foot building was built in 1990 for Cosmed as a high-tech sterilization plant for the cosmetics industry. The high-tech nature of this project required intensive coordination between Denholtz and the Borough on the construction and engineering details.
- Construction of the Tevco site on Pomponio Avenue. This 45,000 square foot building was built in 1989 for Tevco for manufacturing and distribution of nail polish and other cosmetic products. It was the largest nail polish manufacturing facility in the world.

These sites represent the quality and diverse nature of Denholtz projects. The Borough should expect similar quality development with a high-profile project like the Hamilton Boulevard Industrial Site redevelopment. Denholtz is selected as Redeveloper for the Hamilton Boulevard Industrial Site you would be assured of quality development completed in a timely and efficient manner.

Experience with Environmentally Impaired Property

We understand that redevelopment of the Hamilton Boulevard Industrial Site is being driven in large part by the contamination present at the proper and the common-sense approach of coordinating the final cleanup strategy with site development. As such, the redevelopment plan fits well with Denholtz's expertise in developing brownfields and other environmental impaired sites. This is an area in which Denholtz excels.

Denholtz has developed a national reputation as an accomplished redevelo
Denholtz was the first applicant in New Jersey

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A Professional Association ATTORNEYS AT LAW

The Honorable Mayor Daniel J. Gallagher
September 3, 2002

-3-

conversion of Lily Tulip's former Dixie Cup manufacturing site in Holmdel from a 1,000,000 square foot factory (with over sixty separate and distinct areas of environmental concern) into a clean site that Denholtz has currently developed for mixed-use (retail, commercial, age-restricted residential and assisted-living). The Lily Tulip project has been showcased by the New Jersey Department of Environmental Protection as a Brownfields success story and clearly demonstrates Denholtz's ability to coordinate site remediation efforts with a complex redevelopment plan.

Denholtz's coordination of environmental cleanup with site redevelopment runs from urban settings such as downtown Jersey City (30 Montgomer Street), to multi-tenanted industrial parks (Bridgewater Industrial Park) and to manufacturing facilities (former Wonder Bread Bakery and Distribution Center, East Brunswick). In all these cases, Denholtz was able to orchestrate financing (acquisition and construction), land-use planning, environmental management, construction, tenant relations, and property management. This involves coordinating efforts with a variety of professionals, lenders, state and local agencies, all the while ensuring that the project moves forward. Relationships of integrity and professionalism were created with each municipality and its advisers. References are available on request.

We hope that we have given you an indication that Denholtz has the commitment and the experience to ensure the successful redevelopment of the Hamilton Boulevard Industrial Site.

We submit this information to you so that you may consider Denholtz for designation as Redeveloper of the Hamilton Boulevard Industrial Site. In furtherance of this request, we request a meeting with you and other representatives from the Borough to discuss the proposed redevelopment.

We look forward to hearing from you.

Regards,



Lawrence F. Jacobs

LFJ:kmr

cc: Steven J. Denholtz, President/Denholtz Associates
Patrick J. Diegnan, Jr., Esq.
(both via telecopier and reg. mail)

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August 7, 2002

Muthu Sundram, Esquire
Assistant Regional Counsel
United States Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

Re: Hamilton Industrial Park Site,
South Plainfield, New Jersey

Dear Muthu:

We are writing to provide an update with respect to the status of the redevelopment planning efforts affecting the Hamilton Industrial Park Site in South Plainfield, New Jersey and to reiterate the importance of our finalizing both the pending Consent Agreement and the RI/FS collaborative arrangement, as well as EPA's continuing aggressively to pursue the completion of the Remedial Investigation/Feasibility Study for Operable Unit No. 2. As we discussed, at its meeting on July 15, 2002 (Agenda enclosed), the South Plainfield Borough Council unanimously approved Ordinance # 1597 which adopted "The Redevelopment Plan for the Designated Redevelopment Area in the Vicinity of the Hamilton Boulevard Industrial Site". As you know, this Redevelopment Plan follows the South Plainfield's Borough Council's prior unanimous endorsement of the Conceptual Plan for the redevelopment of the Hamilton Industrial Park Site, which Conceptual Plan is now embodied in the formally adopted Redevelopment Plan.

For your convenience of reference, we are enclosing a copy of the adopted Redevelopment Plan, along with two articles from South Plainfield newspapers which report on the Plan's adoption. Of particular note is the second article dated July 19, 2002, which highlights the importance of the cooperative efforts with EPA to assure that redevelopment planning becomes an integral element of the clean-up plan which is ultimately proposed for the Site. Also enclosed is a copy of a statement of interest from a potential redeveloper for the Site.

Given the fact that the Borough of South Plainfield has so clearly indicated its desire to have the Hamilton Industrial Park appropriately redeveloped for commercial/industrial purposes and EPA's commitment, as conveyed by Pete Mannino to the Borough Council, that EPA will cooperate with the community in order to expedite the remedial planning process and take into account the community's redevelopment plans, it is incumbent upon all of us to move promptly

August 7, 2002

Page 2

forward on a cooperative basis. As you know, we have been discussing for over a year both (i) finalizing the Consent Agreement which would provide for our performing the Cultural Resources Assessment, as requested by EPA, and (ii) memorializing the cooperative arrangement which has already been implemented in practice. It is our hope that these documents can be finalized by the end of this month.

Additionally, it is critical that the RI/FS process for Operable Unit No. 2 be restored to a more expedited schedule. As of this date, there has been an approximately one year delay in the RI/FS schedule. The Mayor and other members of the Borough Council have inquired as to the reason for the delay, and we have referred them to EPA. Therefore, it is likely that the Borough Council will convey its concerns regarding the RI/FS timing directly to EPA.

As you know, Cornell-Dubilier Electronics, Inc. ("CDE") and Dana Corporation have fully cooperated with EPA with respect to two significant Removal Actions, the first (the Tier I Properties) involving CDE and the second (the Tier II properties) involving both CDE and Dana Corporation. We have also evidenced our good faith by working actively on a cooperative basis with both the Borough of South Plainfield and Pete Mannino of EPA in an effort to assure that the redevelopment of the Site can be successfully coordinated with, and integrated into, both the RI/FS and remedial action process, so that EPA's clearly articulated emphasis upon successful redevelopment and reuse of Superfund Sites can be successfully translated into action in South Plainfield. We stand ready to continue this cooperative process.

We hope to receive a status report from you in the near future regarding the progress being made with respect to outstanding matters referenced in this letter.

Yours sincerely,



Michael P. Last



Monica E. Conyngham

**AGENDA FOR
PUBLIC MEETING OF MAYOR AND COUNCIL
HELD ON MONDAY, JULY 15, 2002
7:00 PM**

1. Meeting Call to order by Mayor Gallagher in accordance with the Open Public Meetings Act.
2. Roll call by Municipal Clerk
3. Pledge of Allegiance
4. Invocation by Councilman Cerami
5. Acceptance of Governing Body Minutes for June 17, 2002 and June 20, 2002.
Acceptance of Executive Session Minutes for June 17, 2002 and June 20, 2002.
6. Public Comments on Agenda Items only.

7. **ORDINANCES - Public Hearing and Final Adoption**

- [#1597 - An ordinance adopting the Redevelopment Plan for the designated redevelopment area in the vicinity of the Hamilton Boulevard Industrial Site.
- #1598 - An ordinance approving and authorizing the entering into, execution and delivery of a lease and agreement with the Middlesex County Improvement Authority.

8. **ORDINANCES - Introduction**

- #1599 - An ordinance amending Chapter 157 of the Code of the Borough of South Plainfield entitled "Sewers".
- #1600 - An ordinance providing for the purchase of land by the Borough of South Plainfield for the preservation of open space.



The Reporter

South Plainfield

Friday, June 28, 2002

Town moves ahead with redevelopment

Mixed uses are foreseen for Hamilton Blvd. Superfund site

By **CHERYL ORSON**
STAFF WRITER

SOUTH PLAINFIELD — Redevelopment plans for the Hamilton Boulevard Industrial Site, a contaminated Superfund site, are continuing to be made.

During a June 20 regular public meeting, the council introduced an ordinance accepting a redevelopment plan for the designated site. The ordinance is expected to be officially adopted after its second reading and final public hearing during the council's July 15 regular public meeting.

The redevelopment plan includes 21 lots, with 21 different owners, covering 29.38 acres.

The majority of the area in need of redevelopment is lot 1, block 256. This 25.4-acre tract contains numerous old buildings, some dating back to the early 1900s. The buildings are currently utilized as rented industrial space for small businesses and to store moving vans.

The property was placed under the federal Environmental Protection Agency's (EPA) Superfund list in July 1998 after approximately 12 years of soil, surface water and sediment testing.

Since that time, large areas of

This 25.4-acre tract contains numerous old buildings, some dating back to the early 1900s. The buildings are currently utilized as rented industrial space for small businesses and to store moving vans.

the lot were paved, a truck driving school was closed and the south and east sides of the lot were fenced off. A drainage control system was also installed in 1997 to limit the movement of contaminants to the Bound Brook.

Cornell-Dubilier and Dana Electric, two former owners/tenants of the lot involved removed soil from the yards of 13 dwellings in 1999 by agreement with the EPA.

The remaining 20 lots comprise 3.98 acres with six dwellings, one industrial site, six commercial facilities, the borough community police substation and five vacant parcels, (one

See Redevelopment, page A-2

Town moves ahead with redevelopment

Continued from page A-1

borough-owned and one in semi-public use).

The Planning Board previously noted existing conditions, including environmental problems, diverse ownership, and the condition of structures and varied land use, inhibited development. This being the case, the area met the criteria for designating it as a redevelopment area allowing for a comprehensive redevelopment plan and the improvement of public health, safety and welfare. The area will be developed for mixed use contributing to and serving the community.

The conceptual design plan was prepared by Beacon Planning and Realty Advisors in consultation with the borough council. The plan met several criteria including: being incorporated into the Master Plan, preserving environmentally

sensitive lands, including a pedestrian linkage to the Historic Downtown District, providing municipal parking, providing access to and use of the area while being redeveloped, providing landscaping, providing work and shopping after redevelopment and making sure the redevelopment doesn't overwhelm the infrastructure.

The redeveloped area will include six land use categories including retail/commercial, mini-storage, office/warehouse, public use and intersection and street improvements, semi-public use and a buffer/conservation area.

Portions of the redevelopment area along Hamilton Boulevard and New Market Avenue are proposed for retail/commercial development with the sole exception of the borough community police substation which will remain. On-site parking and other public access to this area, along with road and intersection improvements stretching the length of Hamilton Boulevard, will be provided. Part of Hamilton Boulevard will also be used for mini-storage.

The office/warehouse land use designation comprises the largest portion designated for development along and near Spicer and Garibaldi avenues and Fulton Street. Parking will also be provided in this area.

Semi-public with some parking and pedestrian access including a bridge to the Historic Downtown District, would be included adjacent to the Lehigh Valley Railroad. Buffer/conservation area will be included along Spicer with an environmentally sensitive area in lot 1, block 256 including a stream, flood plain and wetlands to be preserved.

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South Plainfield Observer

VOL 5, NO. 47

50 CENTS

July 19, 2002

Hamilton Boulevard Redevelopment Plan Advances

Redevelopment of the Hamilton Boulevard Industrial Site moved forward on Monday night at the Borough Council's regular public meeting. Following a public comment session, the Borough Council officially adopted the ordinance accepting the proposed redevelopment plan for the 27-acre site.

The next step in the redevelopment process will be to incorporate redevelopment planning as an integral element of the clean-up plan that is proposed for the site. This will involve a cooperative effort with the U.S. Environmental Protection Agency (USEPA). Through such a cooperative effort, the normally lengthy Superfund process can be expedited and the property redeveloped at the earliest possible date.

Speaking on behalf of Dana Corporation, a past owner of the property, Attorney Michael Last said, "We are very pleased with tonight's vote as it sends a clear signal to the USEPA about the community's commitment to the successful redevelopment of this property."

THP, Inc.

**The Redevelopment Plan
for the Designated
Redevelopment Area in the
Vicinity of the
Hamilton Boulevard Industrial Site**

**Borough of South Plainfield
Middlesex County, New Jersey**

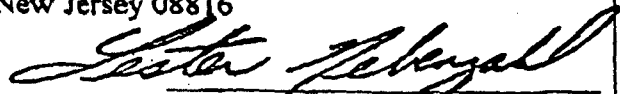
April, 2002

Prepared for:

Borough of South Plainfield
2480 Plainfield Avenue
South Plainfield, New Jersey 07080

Prepared by:

THP, Inc.
40 Brunswick Woods Drive
East Brunswick, New Jersey 08816



Lester J. Nebenzahl, P.P., AICP

THP File No. 2001 02.110

Table of Contents

	<u>Page Number</u>
Introduction	1
The Redevelopment Plan	3
Implementation of the Plan	12

Exhibits

	<u>Page Number</u>
Exhibit 1 – Study Area	5
Exhibit 2 – Hamilton Boulevard Redevelopment Area Plan	7

Tables

	<u>Page Number</u>
Table 1 – Borough of South Plainfield Redevelopment Area	6

INTRODUCTION

The South Plainfield Borough Council adopted Resolution Number 01-116 on April 19, 2001, which designated certain lands in the vicinity of the Hamilton Boulevard and the Lehigh Valley Railroad as a "Redevelopment Area" pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-2 et seq.).

The tract designated as a "Redevelopment Area" is illustrated on the attached map entitled "Exhibit 1, Study Area", and includes 21 individual tax lots with a total land area of approximately 29.38 acres. Table 1 presents a listing of all lots within the "Redevelopment Area" including current ownership and approximate acreage for each parcel.

As set forth in the preliminary report adopted by the South Plainfield Borough Planning Board, dated June, 2001, the majority of the area in need of redevelopment is comprised of Lot 1 in Block 256. This 25.4 acre tract contains numerous old buildings, some of which date back to the very early 1900's. The buildings are utilized as rented industrial space for a variety of small businesses and the site is also used to store moving vans. The property was placed on the United States Environmental Protection Agency's

Superfund list in July, 1998 after approximately twelve years of soil, surface water and sediment testing. Large areas of the site were paved, a truck driving school was closed, the south and east sides of the lot were fenced and a drainage control system was installed in 1997 to limit movement of contaminants to the Bound Brook. Cornell-Dubilier Electric and the Dana Corporation, two former tenants and/or the former owner of the tract removed soil from the yards of thirteen dwellings in 1999 by agreement with the Environmental Protection Agency.

Not
valuable
to
site

The remaining twenty lots comprise an area of 3.98 acres with six dwellings; one industrial use; six commercial facilities; the Borough police substation; five vacant parcels including a single Borough owned parcel; and, one semi-public use.

In the preliminary report, the Borough Planning Board noted that existing conditions within the designated area will continue to inhibit development of the individual parcels. These conditions include existing environmental problems, diverse ownership, and the overall condition of existing structures and varying land use activities within the area. As determined by the Planning Board, these conditions meet the criteria for designation of the parcels as a "redevelopment area" pursuant to N.J.S.H. 40A:12-1 et seq.

Accordingly, inclusion of those parcels within the redevelopment area will allow for a comprehensive Redevelopment Plan and productive improvements which will promote the public health, safety and general welfare.

Based upon the above noted existing conditions, the preliminary report recommended that the designated redevelopment area be planned and developed with mixed uses which will be valuable for contributing to and serving the community.

THE REDEVELOPMENT PLAN

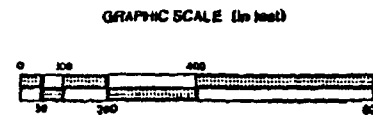
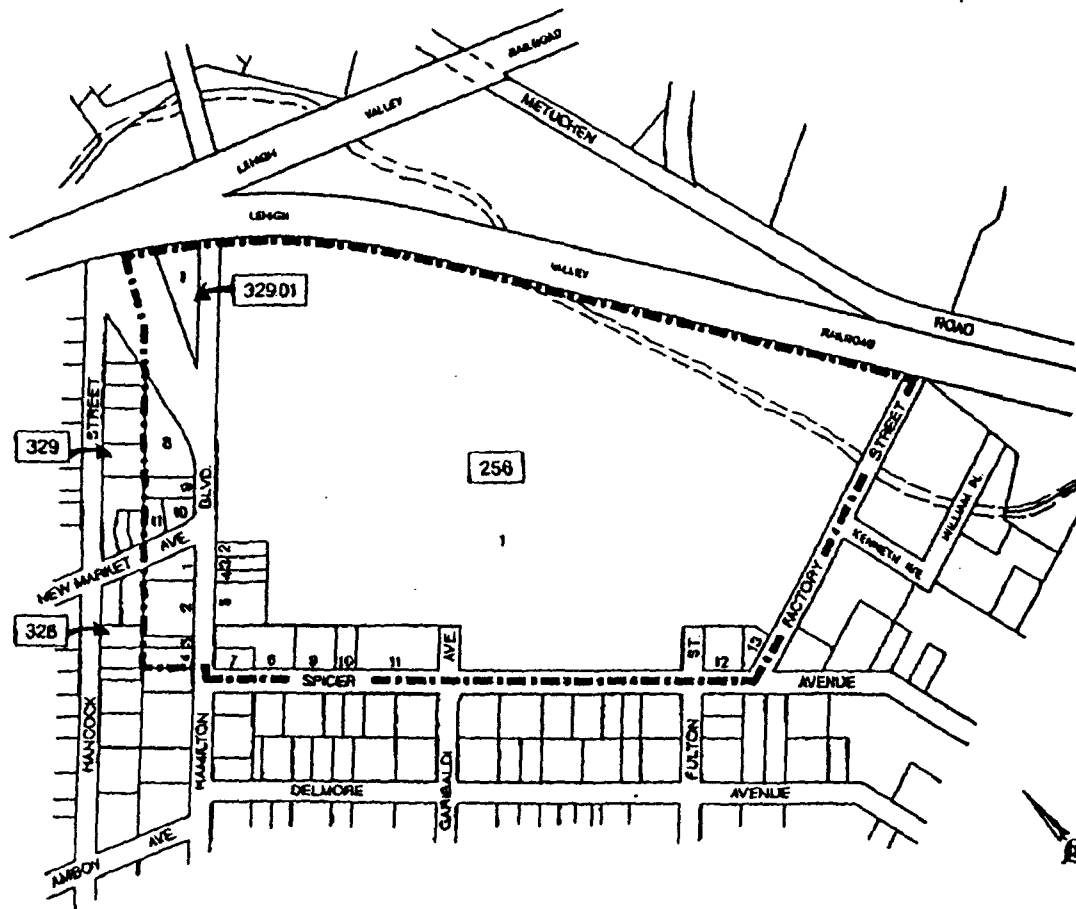
The Redevelopment Plan presented on Exhibit 2 has been prepared in accordance with a "Conceptual Design Plan" prepared by Beacon Planning and Realty Advisors, L.L.C. in consultation with the South Plainfield Borough Governing Body. The Plan has been formulated to achieve the following goals and objectives:

- The "Redevelopment Plan" should be compatible with the Borough's Master Plan.
- Environmentally sensitive lands should be preserved.
- Grade-separated pedestrian linkage to the Historic Downtown District located north of the Lehigh Valley Railroad should be provided.

- Provide municipal parking to meet the off-street parking needs of future retail development within the redevelopment area as well as for nearby community businesses.
 - Provide safe and efficient access to all uses within the redevelopment area while minimizing adverse impacts to existing residents in the area.
 - Provide adequately landscaped buffer areas to aesthetically complement the development and buffer existing residential dwellings in the surrounding area.
 - Provide the opportunity to work and shop within the redevelopment area while maintaining compatibility with existing development in the area.
-
- The scope of development should not overwhelm existing and/or proposed infrastructure.

The "Hamilton Boulevard Redevelopment Area" is proposed to be developed with six land use categories, as follows:

- Retail/Commercial
- Mini-storage
- Office/Warehouse
- Public Use/Street Intersection Improvement
- Semi-Public (existing use)
- Buffer/Conservation



LEGEND




-  - EXISTING TAX BLOCK NUMBER
-  - EXISTING TAX LOT NUMBER
-  - STUDY AREA BOUNDARY

EXHIBIT 1

STUDY AREA

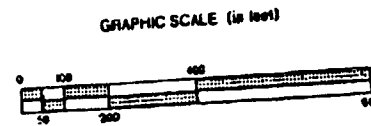
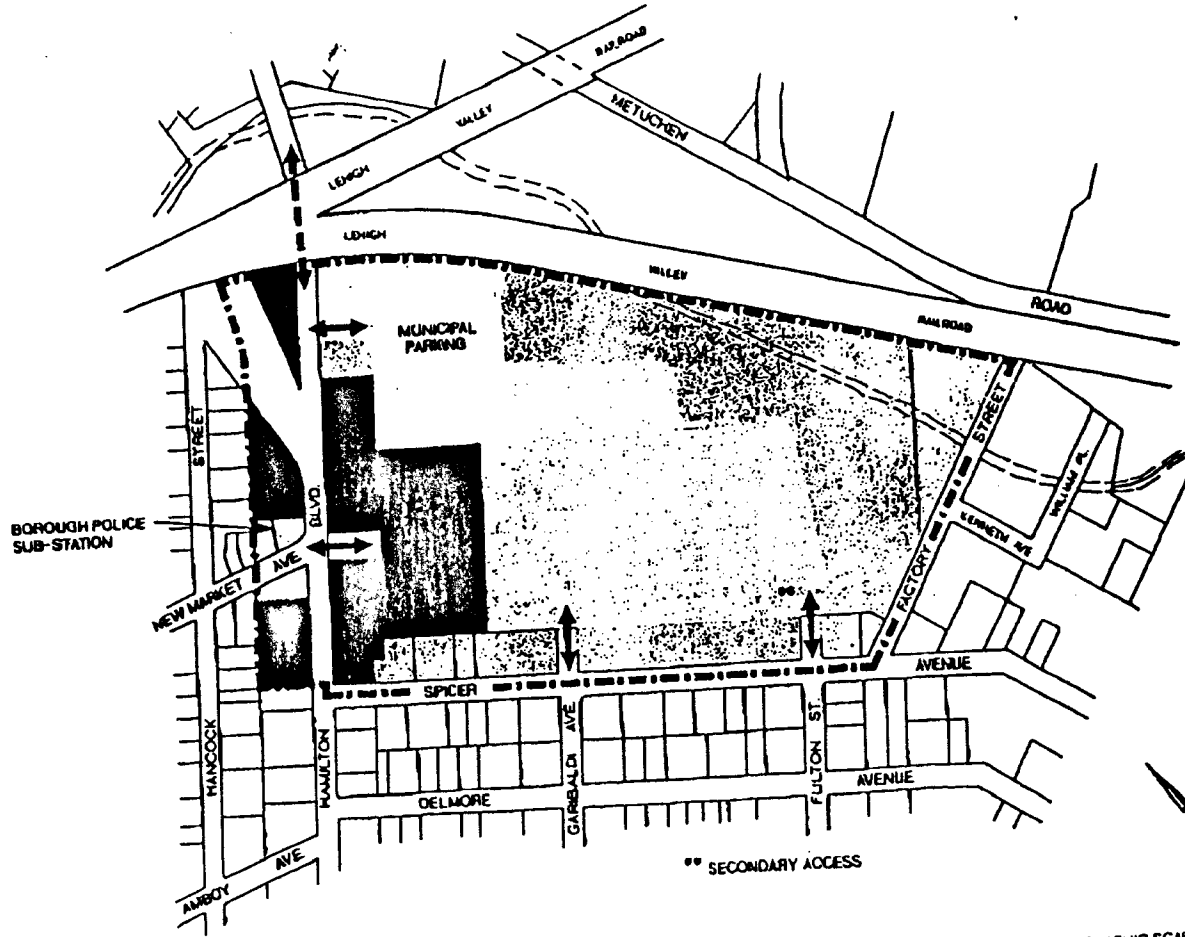
THP, Inc.
East Brunswick, New Jersey

Table 1
Redevelopment Area
(Tax Lot Parcel Identification)

<u>Block</u>	<u>Lot(s)</u>	<u>Owner</u>	<u>Acreage</u> <u>(Approx.)</u>
256	1	DSC of Newark Corporation	25.4
256	2	Morris Schechter	0.08
256	3	Adam Schechter	0.08
256	4	Jaipersaud and Babita Sewdat	0.07
256	5	Harry and Stella Cisz	0.29
256	6 & 7	Saverd Joint Venture, L.L.C.	0.46
256	9	Eugene and Angelina Pesaniello	0.23
256	10	John and Eugene Pesaniello	0.11
256	11	Eugene M. Pesaniello	0.46
256	12	Frank Riccardi, Sr.	0.23
256	13	Borough of South Plainfield	0.10
328	1	Morris Schechter	0.15
328	2	Queen's Palace Restaurant, Inc.	0.36
328	3	Max C. and Jason J. Lee	0.07
328	4	Jason J. Lee	0.14
329	8	340 Hamilton Boulevard Associates	0.42
329	9	Anthony Pellegrino	0.14
329	10	Borough of South Plainfield	0.11
329	11	Anthony S., Jr. and Joann Zelek	0.10
329.01	1	Columbian Club/South Plainfield #6203, Inc.	0.38

Total Acreage (approx.) = 29.38

Source: South Plainfield 2001 Tax Assessors Book and Tax Maps.



LEGEND

- RETAIL / COMMERCIAL
- MINI-STORAGE
- OFFICE / WAREHOUSE
- PUBLIC USE / STREET INTERSECTION IMPROVEMENT
- SEMI-PUBLIC
- BUFFER / CONSERVATION
- ACCESS POINT
- PEDESTRIAN BRIDGE

EXHIBIT 2
HAMILTON BOULEVARD
REDEVELOPMENT AREA

THP, Inc.
 East Brunswick, New Jersey

As shown on the Redevelopment Plan, the northwest portion of the redevelopment area in vicinity of Hamilton Boulevard is proposed for retail and commercial development. Within this area presently, is a South Plainfield Borough Police sub-station which is proposed to remain. The sub-station is shown on the northerly corner of the New Market Avenue intersection with Hamilton Boulevard as a "Public Use" on the Redevelopment Plan. Access for the retail uses would be provided along Hamilton Boulevard, with internal access to on-site municipal parking provided in vicinity of the New Market Avenue intersection and also further northeast along Hamilton Boulevard.

An additional lot identified for "public use/intersection improvement" is shown on the southerly side of New Market Avenue. This Plan designation is shown to facilitate roadway improvements in vicinity of the intersection. It is proposed that the balance of lot area for this parcel not used for roadway widening purposes be combined and developed for retail/commercial use.

Additional commercial development is shown on the Plan, located further away from Hamilton Boulevard adjacent to the proposed retail area. This portion of the overall redevelopment area is identified for "Mini-Storage"

development. Primary access to this portion of the redevelopment area would be provided in the vicinity of the New Market Avenue intersection with Hamilton Boulevard. It is recommended that secondary access also be provided internally from the office/warehouse area located in the central portion of the redevelopment area.

The "Office/Warehouse" land use designation comprises the largest portion designated for development. Located in the central portion of the tract, primary access to this proposed development would be from Spicer Avenue, near Garibaldi Avenue. Secondary access for the office/warehouse development area is also shown from Spicer Avenue, near Fulton Street.

"Municipal Parking" is shown to be provided on the northerly portion of the site. This area would accommodate patron parking for the retail/commercial establishments within the redevelopment area as well as for nearby retail commercial businesses. Access to this municipal parking area would be provided from Hamilton Boulevard as shown on the Redevelopment Plan.

"Semi-public" use is shown on a small separate portion of the redevelopment area, adjacent to the Lehigh Valley Railroad right-of-way. This designation reflects an existing semi-public use located on the lot.

The remaining portions of the redevelopment area are shown for "Buffer/Conservation" area. The portion of land along Spicer Avenue is proposed for landscaped buffer to screen the mini-storage and office/warehouse portions of the redevelopment area from residential dwellings located on the opposite side of Spicer Avenue. A larger area proposed for conservation is located along the easterly and southerly portion of the redevelopment area. This designation reflects existing environmentally sensitive areas on Lot 1 of Block 256 which include an existing stream and associated floodplain area and wetlands areas.

A small area shown for conservation is shown to the north of the retail area, in vicinity of the municipal parking area. This designation is intended for open space area available for passive recreational use to the general public.

In addition to the Land Use Plan designations shown on the Redevelopment Plan, pedestrian access to the area is shown from the northerly side of the Lehigh Valley Railroad in vicinity of the proposed municipal parking area.

This bridge is intended to provide pedestrian access over the railroad to the existing Historic Downtown District located on the northerly side of the railroad corridor.

Intersection and roadway improvements associated with the redevelopment area are also proposed along Hamilton Boulevard and in particular, at the New Market Avenue intersection. Roadway improvements to Hamilton Boulevard include reconstruction of the roadway with the provision for separate turning lanes (northbound and southbound) at New Market Avenue and reconfiguration of the roadway in the vicinity of the Lakeview Avenue/Hamilton Boulevard intersection. Along with upgrade of the existing traffic signal at the Hamilton Boulevard/New Market Avenue intersection, roadway improvements include the reconstruction of the New Market Avenue approach to Hamilton Boulevard, with the provision for separate eastbound left-turn and right-turn lanes. Pedestrian sidewalk improvements are also proposed for Hamilton Boulevard and New Market Avenue.

IMPLEMENTATION OF THE PLAN

The implementation of the "Redevelopment Plan" will require a cooperative effort between the Borough of South Plainfield, the developer(s) of the subject lands and all interested parties including current property owners, the business community and public at large. Cohesive and architecturally compatible redevelopment must be provided while still meeting the needs of the community and effectuating the goals and objectives of the Redevelopment Plan noted previously. Most importantly, the Redevelopment Plan must effectuate the goals and objectives of the Borough Master Plan and Development Ordinances.

Specific zoning amendments are not yet proposed to implement the "Redevelopment Plan". It is suggested that these detailed ordinance provisions be crafted after additional planning, engineering and architectural schemes are developed in consultation with prospective developers, following the general intent of the "Conceptual Design Plan" for the tract.

Pursuant to N.J.S.A. 40A:12A-7(a)(4), all parcels shown on Exhibit 1, "Study Area," and further identified on Table I may be acquired by negotiation or condemnation in accordance with N.J.S.A. 40A:12A-8(b) and (c). Any structures on such properties may be demolished and the assembled site developed in accordance with the provisions of this Redevelopment Plan. Lot consolidation to the extent practical and permissible, shall be a goal of this Redevelopment Plan. To the extent necessary, public easements shall be negotiated and effectuated between the Borough of South Plainfield and the redeveloper on any project.

Any displaced resident within the Redevelopment Area shall be offered relocation assistance in accordance with applicable state law. Such relocation assistance shall be directed towards decent, sanitary, safe and affordable dwelling units within the local housing market, which are hereby acknowledged as existent.

This Redevelopment Plan is consistent with the goals and objectives of the Borough Master Plan, the New Jersey State Development and Redevelopment Plan and the Middlesex County Master Plan.

Financial incentives may be utilized by the Borough of South Plainfield to foster the redevelopment efforts outlined within this Redevelopment Plan. Such incentives may include the use of short and long term tax incentives. The Borough may also be eligible for grant funds for public improvements necessary to facilitate a redevelopment project, and it shall take a proactive approach to securing such funds.

The Borough of South Plainfield may select or approve of a redeveloper to undertake a redevelopment project in furtherance of this Redevelopment Plan through various means. The Borough may prepare a Request for Qualifications (RFQ), to include, at a minimum: (1) a description of the redevelopment entity, disclosure of ownership interest, list of references, list of general or limited partners, financial profile of the redevelopment entity, and where applicable, a list of comparable projects successfully completed; (2) a description of the proposed use for the redevelopment projects, including analysis of the site, environmental impact and assessments, and overall approach to site development; and (3) anticipated construction schedule. Upon receipt and consideration of applications submitted in response to a RFQ, the Borough may select and approve by Resolution among redeveloper(s), or it may reject all applications.

The Borough may also, at any time, entertain an unsolicited proposal from a prospective redeveloper. The Borough will have the option of conferring redeveloper status to such unsolicited redeveloper applicant upon consideration and approval by Resolution of the proposal, or it may put out a RFQ to solicit interest in the subject project from other potential developers.

The Borough is sensitive to the issues and desires of the present owners and thus such owners shall be given opportunity to participate in the redevelopment program. If, in any instance, the Borough chooses to issue a RFQ, the property owners within the designated redevelopment area shall be given notice of the issuance of such RFQ and be given an opportunity to offer a proposal in conformity with such RFQ. *

The Borough of South Plainfield may designate a redevelopment entity as a Conditional Redeveloper for a particular project subject to the successful negotiation and execution of a redevelopment agreement with the Borough within twelve (12) months of conditional designation. An extension to this negotiation period may be granted in additional six (6) month increments, or the Borough may terminate the conditional redeveloper designation.

All approved redevelopers must enter into a written redeveloper agreement with the Borough of South Plainfield, pursuant and subject to N.J.S.A. 40A:12A-9.

Streetscape

Every consideration shall be given to improving the aesthetic appearance and curb appeal of the redevelopment area, including efforts to minimize excessive signage. Efforts shall also be made to maximize the use of shade trees and plantings, to the extent practical considering the environmental issues of the site.

Integration of canopies and awnings into the architectural design of redevelopment projects is encouraged, subject to the approval of the Borough. Business identification through the use of lettering and/ or logos on such canopies and awning will be permitted, provided it is part of the design and construction of the canopy or awning, and will not require a separate sign permit.

Additional signage standards shall apply throughout the redevelopment area, and no others signage will be permitted except as follows: (1) each business establishment with one or more independent entrances in a retail or office center will be entitled to one building sign to identify each entrance. The site plan submitted to the Planning Board must include building elevation drawings that incorporate locations designed into the building facades for identification signage that is part of the architectural context of the building. The size and graphics of the signage plan will be subject to approval of the Planning Board; (2) where a single building entrance is shared by two or more business establishments, a directory identification sign may be used to identify the name and location of each business, and such directory signs must be incorporated into the signage plan as described at (1) above; (3) storefront windows must be used for orderly display of merchandise and will not be permitted to become cluttered with temporary signage, flyers, leaflets, price advertisements or other material; (4) temporary sandwich board style signs will only be permitted for use in conjunction with a sidewalk café attached to a restaurant pursuant to an approved site plan by the Planning Board, and such signs may not exceed six square feet, must contain only the

restaurant name and a menu, and must be removed when the outdoor café is not in use; (5) each new business establishment will be permitted one temporary banner announcing a grand opening for a period of three (3) calendar weeks from the first full or partial day it is open to the public, but such banner must not be larger than 5 percent of the façade area of the building occupied by the new business and must not be located anywhere other than on the front business façade.

Adequate and aesthetically attractive lighting throughout the redevelopment area shall be an integral component of this Redevelopment Plan, and efforts shall be made to incorporate such lighting into any redevelopment project undertaken within the area. To the extent practical, the transfer of utilities underground should be considered, and the costs of such transfer shall be allocated pursuant to N.J.S.A. 40A:12A-10.



111 MAGEE AVENUE
LAVALLETTE, NJ 08735
(732) 854-9080
(732) 854-9288 FAX

June 28, 2002

Mr. Mike Last
Rackemann, Swyer, & Brewster
One Financial Center
Boston, MA 02111

Re: AST Development Corporation as Redeveloper for 333 Hamilton Boulevard, South Plainfield, NJ 07080

Dear Mr. Last:

I would like to take this opportunity to thank you for setting time aside from your hectic schedule this morning to meet with regard to the redevelopment of the above referenced property.

This letter shall serve as a formal expression of our interest in serving as the exclusive redeveloper for 333 Hamilton Boulevard, South Plainfield, NJ, in cooperation with Dana Corporation and Cornell-Dubilier Electric.

Over the coming weeks AST will review the documentation presented to us this morning, and formulate potential alternate use scenarios within the context of your redevelopment plan dated April 2002.

If, in the interim, there is any additional information we can provide, please do not hesitate to contact either Ed or myself at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert J. D'Antonio', is written over a horizontal line.

Robert J. D'Antonio
President

Cc: Edward L. Stutz

CHRONOLOGY OF KEY EVENTS

- **Fall, 1999** – CDE and Dana meet with EPA (John Prince, Pete Mannino and Muthu Sundram) to discuss redevelopment possibilities for the Hamilton Industrial Park Site (the ‘Site’). The PRP’s are urged to make the redevelopment plans more definitive and to secure formal community support. EPA states that its policy is to encourage community supported redevelopment of NPL sites.
- **Fall, 1999 to Spring, 2000** – CDE and Dana work with the Borough of South Plainfield (the ‘Borough’) to come up with a desirable conceptual redevelopment for the Site. This results in a unanimous resolution adopted by the Borough Council in **July, 2000** supporting the conceptual redevelopment plan (the “Conceptual Design Plan”).
- **October 3, 2000--** Given the status of the RI/FS work, CDE and Dana, as the Hamilton Industrial Park Group (‘HIPG’), offer to take over the RI/FS for the on-site soils and buildings so as to integrate the risk assessment and the Feasibility Study with the proposed redevelopment and reuse of the Site.
- **November 21, 2000**—Letter issued by John Prince of EPA declining the HIPG’s October 3, 2000 offer. However, EPA states that it is committed to the Superfund Redevelopment Initiative and agrees that the RI/FS can be divided into operable units (phased) to expedite the process. This letter further states that:

EPA agrees that the proposed reuse and redevelopment plans for the site could be integrated into a risk assessment and focused feasibility study tailored for the on-site buildings, source areas and soils. This approach would support the redevelopment activities to be initiated by the PRPs, pursuant to the schedule outlined in the briefing package, while EPA continues to perform the RI/FS for the remaining portions of the site.
- **November, 2000 to January, 2001**—Consultations between the HIPG and EPA regarding a cooperative process to assure the integration of the Site reuse and redevelopment plans into the risk assessment and focused FS.
- **January, 26, 2001**—The HIPG writes to EPA outlining a “working group” based cooperative process for the completion of the risk assessment work and the focused FS, as well as the HIPG’s performing the Cultural Resources Assessment in order to help expedite the completion of the FS.
- **February 28, 2001**—Letter from Muthu Sundram to the HIPG stating that EPA agrees with the spirit of the January 26, 2001 letter, subject to certain “refinements”. Most notably among the refinements are that any further sampling should be held off until the remedial pre-design phase so as not to delay the RI schedule and that the HIPG’s proposed schedule is subject to the final control and responsibility of EPA and its contractor (Foster Wheeler).

- **April, 2001**—A Borough Council meeting is held during which the HIPG provides a status report to the Council. It is emphasized that the HIPG is working closely with EPA to advance the time schedule for the Site's ultimate redevelopment. Pete Mannino is present at the meeting and confirms to the Council that EPA has modified its schedule to help expedite timing and that this schedule has a proposed plan (PRAP) ready for the public's review within the next 8 to 9 months (by early 2002). Mayor Gallagher emphasizes that the Borough wants this schedule expedited. The Borough Council unanimously passes a resolution instructing the Planning Board to study the feasibility of establishing a Redevelopment Area which is to include the Site.
- **July 2, 2001**—Letter from Mark Nielsen of Environ to Pete Mannino of EPA enclosing a draft schedule for the focused FS which incorporates the working group process. The proposed schedule is structured to avoid delay and to maintain all of the primary deliverable milestones for the FS, as defined in the EPA-approved March, 2000 Final RI/FS Work Plan. Under this schedule, the EPA final deliverable milestone was the issuance of the FS Report on **February 14, 2002**. This date is consistent with the representations made to the Borough Council in April, 2001. (Note that EPA's scheduled date for the issuance of the RI Report was September 27, 2001).
- **Summer, 2001**—At Muthu Sundram's request, the HIPG drafts a proposed Administrative Consent Order (ACO) for the Cultural Resources Assessment modeled on EPA's form of RI/FS ACO.
- **October, 2001**—The Borough Planning Board unanimously approves the designation of the Site (along with other adjacent and nearby parcels) as a Redevelopment Area.
- **October 31, 2001**—Conference call between HIPG and EPA (John Prince, Pete Mannino and Muthu Sundram) during which EPA raises questions and issues with respect to the draft ACO, which are discussed and resolved to the parties' satisfaction. The only item not finalized was the **format** for the understandings regarding the working group process. EPA felt that the ACO for the Cultural Resources Assessment was not the right place and that these understandings should be set forth in a separate memorandum. Muthu emphasized that this would not change the basic cooperative approach, pointing out (accurately) that Pete Mannino and Mark Nielsen of Environ were already working together on an ongoing basis consistent with the cooperative process which had been previously outlined and agreed upon.
- **November, 2001 to December, 2001**—Revised drafts of the ACO and a memorandum of understanding incorporating the cooperative working group process were prepared by the HIPG and forwarded to EPA. No response was forthcoming re: the draft ACO, but Muthu Sundram indicated that a memorandum of understanding was not the correct format for memorializing our agreements (apparently such documents were reserved for agreements between governmental agencies) and that a simple letter format would work best. Therefore, in December, 2001, the

memorandum of understanding was reformatted as a letter of understanding with no change, however, to the basic cooperative procedures which had been de facto implemented since Spring of 2001.

- **December, 2001**—Borough Council unanimously approves the Redevelopment Area designation, recommended by the Planning Board. This Redevelopment Area includes the Site. In a newspaper article published at this time, EPA spokesperson Richard Cahill is cited as saying that EPA officials support the companies' (CDE and Dana) plan to combine the cleanup with the development plan. Mr Cahill is also reported as saying: "Our guys are hot on it (the plan). We're talking to the companies weekly". Mr. Cahill further stated that "We are trying to move the best we can," indicating that EPA was well aware that Mayor Gallagher and members of the Borough Council wanted to hasten the process.
- **January to August, 2002**—The HIPG speaks periodically with Muthu Sundram of EPA to inquire as to the status of the ACO for the Cultural Resources Assessment and the memorialization of the cooperative agreement. The HIPG emphasizes during these calls that the community is moving forward aggressively with the redevelopment planning process and that redevelopers are expressing strong interest in the property to which an appropriate response must be made. However, the RI/FS schedule keeps slipping, and the HIPG is reluctant to make public statements or even convey private assurances regarding its progress in working with EPA which cannot be backed up with performance. Muthu assures the HIPG that there are not substantive differences between the parties, and that we should continue to implement the ongoing cooperative approach working through Pete Mannino. He states that the documents themselves have been slowed down in the formal sign-off process due to changes in certain program personnel, with the new personnel needing to be brought up to speed.
- **April, 2002**—THP, Inc. (the principal of which is Les Nebenzahl), the Borough's planning consultant, issues the final draft of the "Redevelopment Plan for the Designated Redevelopment Area in the Vicinity of Hamilton Boulevard Industrial Park" (the "Redevelopment Plan"), and the Borough initiates the final procedures for its formal approval and adoption. This Redevelopment Plan is directly based on the Conceptual Design Plan which the Borough Council had unanimously endorsed.
- **July 15, 2002**—Following hearings and approval by the Planning Board, the Borough Council approves Ordinance #1597 adopting the Redevelopment Plan. Following the adoption of the Redevelopment Plan, the Borough appoints a Redevelopment Authority to implement it.
- **August 7, 2002**—The HIPG provides Muthu Sundram with a telephone update regarding the Borough Council's adoption of the Redevelopment Plan, during which the HIPG strongly urges Muthu to move the EPA process forward. Muthu asks that this call be confirmed in writing so that he can share our concerns once again with EPA staff. Therefore, on August 7, 2002 the HIPG writes a confirmatory letter to

Muthu, attaching to the letter copies of the Redevelopment Plan, the Ordinance adopting it, press reports of the adoption and a letter of interest from AST Development Corporation. In this letter, the HIPG notes that the RI/FS is approximately one year behind EPA's schedule and that CDE and Dana have been working with EPA for one year to finalize the ACO for the Cultural Resources Assessment and to memorialize the cooperative arrangement which had already been implemented in practice since the Spring of 2001. In response to this letter, Muthu once again assures the HIPG that everything is on track at EPA. **No mention is made that EPA intends, unilaterally and without consultation with the HIPG, to change fundamentally the ongoing cooperative working relationship.**

- **September 10, 2002**—The HIPG conveys to Muthu Sundram of EPA a second written statement of interest from a redeveloper. This redeveloper is Denholtz Associates, which is a large commercial/industrial developer that owns and manages over 8.2 million square feet of property in nine states.
- **October 10, 2002**—The HIPG writes Muthu Sundram of EPA after learning through Mark Nielsen of Environ that EPA has chosen, unilaterally and without previous notice or consultation, not to review and discuss key RI/FS deliverables (in this specific instance the draft RI Report) with the HIPG in accordance with the cooperative process that had been previously agreed upon and implemented. According to Pete Mannino, the HIPG would not be allowed to review any deliverable until it was released to the public, at which time EPA would conduct separate consultation sessions with the Borough and the HIPG. As the October 10, 2002 letter to Muthu notes, this is certainly not the ongoing, interactive process which had been contemplated and in fact implemented since Spring of 2001. Instead, EPA was proposing to pursue the cumbersome approach of generating key deliverables without the benefit of either working group or other ongoing collaborative input by either the HIPG or the community. The HIPG points out that such a rigid, formalistic process is likely to produce FS deliverables which are not adequately tailored to Site redevelopment and, as a consequence, there will then be comments and questions offered by the HIPG and the community which will require additional time (and unnecessary expense) to incorporate into revised deliverables.